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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,413

04/04/2000

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200-0062

5672

28395 7590 03/13/2008

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EXAMINER

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ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

03/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/542,413

Filing Date: April 04, 2000

Appellant(s): AHLUWALIA, GURPREET

Matthew M. Jakubowski
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/15/05 appealing from the Office action mailed 9/16/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,377,993	BRANDT et et al	4-2002
6,029,141	BEZOS et al	2-2000
5,794,219	BROWN	8-1998

5,778,182	CATHEY et al	7-1998
6,073,105	SUTCLIFFE et al	6-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 8, 14-18, 20, 29, 30, 31, 33, 34 are rejected under 35

U.S.C. 103(a) as being unpatentable over Bezos et al (US 6,029,141).

As per claims 1, 14, Bezos et al discloses:

At least one presentation application operable to capture user online session data/capturing an online order containing at least one manufactured product identifier and at least one manufactured product configuration submitted by an online customer, (col. 2, lines 25-32, presented with online form), including a presentation application identifier, (col. 2, lines 48-51, the code that maintains the shopping cart for each shopping session), a session identifier, (Fig. 5, shopping cart IDs), user data, (Col. 8, lines 28-31, user ID), user click stream data/capturing click stream data generated during an online session during which the online customer submitted the online order, (Col. 20, lines 6-10, click-stream), and...product configurations selected by the user,

(Col.7, lines 28-30, unique IDs of the selected product shown as the ISBN of the book), and generate a session report message incorporating the user online session data, (Col. 16, lines 20-26, information stored by the merchant Web site);

A report processor operable to receive the session report message, and storing the user online session data in a report database/ storing the online order and click stream data in a report database, (Col. 5, lines 55-60, Web Server);

Wherein the report processor is operable to generate a report related to manufactured product online orders, based on at least a portion of the information stored in the report database/and generating a report related to manufactured product online orders, based on at least a portion of the information stored in the report database, (Col. 16, lines 11-15, report generation software/feedback report).

Bezos et al does not specifically disclose a manufactured product, but does disclose a system where customers order products from Web-site as disclosed in the Abstract. However, this feature is obvious with Bezos et al since all products need to be manufactured in order to be suitable for use.

It would have been obvious to one of ordinary skill in the art to manufacture a product with the motivation of effectively producing something useful and marketable.

As per claim 4, Bezos et al discloses:

wherein the session report message further comprises a user identifier, (col. 8, lines 28-31, user ID)).

As per claim 5, Bezos et al discloses:

wherein the session report message further comprises a configuration identifier assigned to each user-selected manufactured product configuration, (Col.7, lines 28-30, unique identifier selected product as the ISBN of the book).

As per claim 8, Bezos et al discloses:

further comprising a workflow manager operable to receive order messages related to the placement of online orders for the manufactured products, and to route a copy of the order messages to the web server for processing by the report processor and storage in the report database, (Col. 16, lines 11-15, included in report generation software).

As per claims 15, 30, Bezos et al discloses:

generating an order message incorporating the at least one manufactured product identifier and the at least one product configuration, (Col. 16, lines 20-26, information stored by the merchant Web site);

and sending the order message to a report processor for processing, (Col. 16, lines 11-15, report generation software).

As per claim 16, 31, Bezos et al discloses:

generating a session data message incorporating the click stream data, (Col. 16, lines 20-26, information stored by the merchant Web site);

and sending the order message to a report processor for processing, (Col. 16, lines 11-15, report generation software).

As per claim 17, Bezos et al discloses:

capturing a session identifier; and capturing a customer identifier, (Fig. 5, shows shopping cart IDs which includes a customer ID).

As per claims 18, 33, Bezos et al discloses:

capturing click stream data associated with user input to select a manufactured product configuration, (Col. 20, lines 6-10, click-stream);

and generating and capturing a configuration identifier for each user-selected manufactured product configuration, (Col. 7, lines 28-30, unique identifier of selected product as the ISBN).

As per claims 20, 34, Bezos et al discloses:

capturing an online order number, (Col. 2, lines 59-66, here, order number is obvious since after submitting an order, the associate is identified, and one could not make an identification without previously having identified something).

capturing a session identifier during which the online order was placed by the customer, (Fig. 5, shows shopping cart IDs which includes a customer ID).

capturing a configuration identifier of the manufactured product configuration, (Col. 7, lines 28-30);

and capturing a manufactured product identifier, (Fig. 5, product ID).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to capture an order number with the motivation of identifying an order.

As per claim 29, Bezos et al discloses:

capturing a manufactured product configuration selected by an online customer, (Col. 7, lines 28-30, unique identifier of selected product as the ISBN);

capturing an online order containing at least one manufactured product identifier and specifying the manufactured product configuration, (Col. 2, lines 48-65, submits and order and uses this information for identification purposes);

capturing click stream data generated during an online session during which the online customer submitted the online order, (Col. 20, lines 6-10, click-stream data);

storing the manufactured product configuration, online order and click stream data in a report database, (Col. 6, lines 11-15, shows stored data, Col. 7, lines 28-30, where data includes unique identifier of selected product as the ISBN, w/ col. 2, lines 59-66, shows order data, and col. 20, lines 6-10, shows click-stream data); and

generating reports related to the manufactured product configuration, online order, and click stream data, (col. 6, lines 11-15, generating reports based on stored data).

Claims 3, 19, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al (US 6,029,141), and further in view of Cathey et al (US 5,778,182).

As per claims 3, 19, Bezos et al fails to disclose wherein the session report message further comprises session start date and time, session end date and time, but does disclose capturing session data in col. 16, lines 20-26 as information stored by the merchant Web site.

However, Cathey et al discloses:

wherein the session report message further comprises session start date and time, session end date and time, and entry and exit web pages/capturing an online session starting/entry point; and capturing an online session ending/end point, (Col. 11, lines 37-41, [start/stop flag indicating time] w/ Col. 5, lines 40-41, [Dttm {representing date and time}, domain id represents the page], and Col. 5, lines 55-59, [PlaceID]). Cathey et al discloses this limitation in an analogous art for the purpose of showing that details of a user's session is captured.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include session start date and time, session end date and time, and entry and exit web pages with the motivation of presenting this type of data in a report.

As per claim 32, Bezos et al discloses:

capturing a session identifier; and capturing a customer identifier, (Fig. 5, shows shopping cart IDs which includes a customer ID).

Bezos et al fails to capturing an online session starting/entry point; and capturing an online session ending/end point, but does disclose capturing session data in col. 16, lines 20-26 as information stored by the merchant Web site.

However, Cathey et al discloses:

capturing an online session starting/entry point; and capturing an online session ending/end point, (Col. 5, lines 55-59, [PlaceID]).

Cathey et al discloses this limitation in an analogous art for the purpose of showing that details of a user's session is captured.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to capture an online session starting/entry point; and to capture an online session ending/end point with the motivation of presenting this type of data in a report.

Claims 2, 6, 7, 9, 10, 22, 23, 27, 28, 36, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al (US 6,029,141), and further in view of Brandt et al (US 6,377,993).

As per claim 2, Bezos et al fails to disclose the following, however Brandt et al discloses:

wherein the session report message further comprises manufactured product identifiers having the user-selected manufactured product configuration in-inventory and in-process identified in a user-initiated online search, (Col. 4, lines 17-25, [request across Internet via query generation]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize a user-initiated online search with the motivation of allowing the user to have access to applications that are customizable.

As per claim 6, Bezos et al fails to disclose the following, however Brandt et al discloses:

wherein the report processor comprises a report log utility operable to receive the session report message and cleanse the session data therein, (Col. 19, lines 35-37, [cleanses the data]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to cleanse the session data with the motivation of removing all unnecessary data so only data needed for reporting will be applied.

As per claim 7, Bezos et al fails to disclose the following, however Brandt et al discloses:

wherein the report processor further comprises a data collector operable to receive the cleansed session data from the report log utility and storing the session data in the report database, (Col. 19, lines 37-39, [storage in DataMarts]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive the cleansed session data and store it with the motivation of keeping the cleansed data in a secure place, protected from contaminated data.

As per claims 9, 23, 37, Bezos et al fails to disclose the following, however Brandt et al discloses:

comprising a workflow manager operable to receive lead messages related to leads for contacting customers about the manufactured products, and to route a copy of the lead messages to the web server for processing by the report processor and storage in the report database/ receiving an online contact lead message containing customer data; extracting the customer data; and storing the customer data in the report database, (col. 9, lines 34-37, [target middle-tier]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive lead messages related to leads for contacting customers with the motivation of determining

As per claim 10, Bezos et al fails to disclose the following, however Brandt et al discloses:

further comprising a workflow manager operable to receive status messages related to the status of online orders, and route a copy of the status messages to the web server for processing by the report processor and storage in the report database, (Col. 24, lines 24-40, [send ARDA message to RM]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to route a copy of the status messages to the web server for processing with the motivation of giving a user access about the status of a customer's order in a highly accessible location such as the Internet.

As per claims 22, 36, Bezos et al fails to disclose the following, however Brandt et al discloses:

extracting the session data from the session data message; and cleansing the session data, (Col. 19, lines 35-37, [cleanses the data]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to cleanse the session data with the motivation of removing all unnecessary data so only data needed for reporting will be applied.

As per claims 27, 28, 40, 41, Bezos et al fails to disclose the following, however Brandt et al discloses:

further comprising generating a report on metrics related to the online orders/
further comprising generating a report on metrics related to the click stream data, (Col. 14, lines 5-9, [metrics infrastructure for throughput and volumes]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate a report on metrics related to online orders and click stream data with the motivation of determining hardware and network growth as a result of online orders and click stream data.

Claims 11, 26, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al (US 6,029,141), and further in view of Sutcliffe et al (US 6,073,105).

As per claims 11, 26, 39, Bezos et al fails to disclose the following, however Sutcliffe et al discloses:

further comprising credit messages generated by a credit processor containing customer credit and financing information being processed by the report processor and stored in the report database/capturing customer credit and financing information; generating a customer credit message containing the customer credit and financing information; and storing the customer credit and financing information in the report database, (Col. 15, lines 22-26, [CARDREJECTED message] w/ Col. 22, lines 15-18, [storing account status report in database]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate credit and financing information with the motivation of determining if the consumer is financially able to order product specified.

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Claims 12, 13, 21, 24, 25, 35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al (US 6,029,141), and further in view of Brown (US 5,794,219).

As per claim 12, Bezos et al fails to disclose the following, however Brown discloses:

further comprising dealer messages containing participating dealership information being processed by the report processor and stored in the report database, (Col. 2, lines 34-36, [dealers bidding on cars]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to partner dealership information with the motivation of incorporating the automobile industry that dealers participate in into an on-line purchasing process.

As per claim 13, Bezos et al fails to disclose the following, however Brown discloses:

wherein the manufactured products are automotive vehicles, (Col. 2, lines 34-36, [car]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the products to be automotive vehicles with the motivation of incorporating the automobile industry that dealers participate in into an on-line purchasing process.

As per claims 21, 35, Bezos et al discloses:

capturing order information, (col. 16, lines 20-26, information stored by merchant Web site);

Bezos et al fails to disclose the following, however Brown discloses:

capturing order status; and capturing dealer action needed, (Col. 7, line 66-Col. 8, line 1, [status is "NO", and the computer notifies the bidder {dealer} that he does not have the right bidder account and therefore can not place a bid]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to capture order status and the dealer action needed with the motivation of determining whether or not the dealer should participate in a particular product purchase.

As per claims 24, 38, Bezos et al fails to disclose the following, however Brown discloses:

capturing participating dealer information; generating a dealer message containing the participating dealer information; and storing the participating dealer information in the report database, (Col. 2, lines 34-36, [dealers bidding on cars, Col. 6, lines 3-16, [bidder registration message, bidder database]]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to capture dealer information, generate a dealer message and store the dealer information in a database with the motivation of properly including the dealer's information in the system so dealers can readily be associated with products.

As per claim 25, Bezos et al discloses:

comprising generating a dealer report, (col. 16, lines 11-15, generating a report).

(10) Response to Argument

As per claims 1, 14 and 29, appellant argues that the examiner has not provided the requisite motivation for modifying Bezos' web-based system of ordering books to include manufactured products as claimed. However, Bezos et al discloses an Internet-based referral system that enables individuals and other business entities to market products. This system also implements an electronic shopping cart that allows the customer to select products from multiple different Web sites, and then perform a single "check out" from the merchant's site as shown in the Abstract of Bezos et al. These products selected by the customer through the Web site would not be available for selection or purchase via "check out" method if it had not been manufactured.

In addition, appellant argues that the Examiner's motivation does not address the "manufactured product configuration" limitation of claims 1, 14 and 29, and, according to appellant, is improper. However, a product configuration is no more than a final product, which is what is offered to the customers on the Web site of Bezos et al.

In addition, appellant argues that the "to manufacture a product" step is not recited in claims 1, 14, and 29, but instead, these claims recite manufactured product configurations, and manufactured product online orders, (in other words products that have already been manufactured). However, "to manufacture a product" is absolutely necessary right before a manufactured product is produced, and results in having a "manufactured product". In other words, if one did not resort "to manufacture a product", there would be no "manufactured product", therefore there is motivation to modify the Bezos reference to provide the claimed invention.

With respect to appellant's argument about Bezos' web-based system for ordering books, and that books can not be configured, the same as discussed above applies in this situation. As disclosed above in preceding paragraphs, a product configuration is no more than a final product, which is what is offered to the customers on the Web site of Bezos et al. It would therefore be obvious to one of ordinary skill in the art at the time of the applicant's invention to select a hard copy or a paperback for the product configuration.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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